

**BEFORE THE TIPPECANOE COUNTY
DRAINAGE BOARD**

IN THE MATTER OF THE SHEPHERDS POINT PART TWO REGULATED DRAIN

**FINDINGS AND ORDER ESTABLISHING LEGAL DRAIN
AND ESTABLISHING ANNUAL MAINTENANCE FUND**

This matter came to be heard upon the Petition for Establishment of a New Legal Drain filed October 1, 2013, a copy of which is attached hereto and made a part hereof, and the final report and schedule of assessments prepared by the Surveyor and filed on July 3, 2014.

Certificate of mailing of notice of time and place of hearing to all affected landowners per IC 36-9-27-40(b) and Notice of Publication of the time and place of hearing in the Journal & Courier were filed.

Remonstrances were not filed.

Evidence was presented by the Surveyor and a number of landowners affected were present. A list of those present is filed herewith.

After consideration of all the evidence, the Board does now

FIND THAT:

- (1) Petitioners are the owners of more than 50% in acreage of the land to be affected by the proposed improvement, which is outside the corporate limits of any city or town.
- (2) Said drain is in need of improvement.
- (3) The legal description of said drain is set forth in the petition.
- (4) The costs, damages and expenses of the proposed drain will be less than the benefits accruing to the owners of the land to be benefitted thereby.
- (5) The proposed improvement will improve the public health and be of public utility by providing an orderly method of storm drainage run-off.
- (6) The Final Report of the Surveyor and the schedule of assessments were filed in the office of the Board on July 3, 2014.
- (7) Notice of the filing of the Surveyor's report and schedule of assessments and their availability for inspection and the time and place of this hearing was mailed to all those landowners affected more than thirty (30) and less than forty (40) days before the date of this hearing.

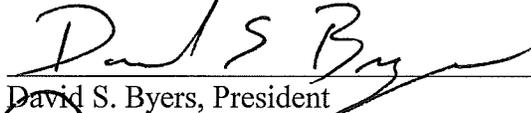
- (8) Notice of the time and place of this hearing in respect to establishment of a legal drain and maintenance thereof was given by publication in the Journal & Courier, a newspaper of general circulation in Tippecanoe County, Indiana more than ten (10) days prior to this hearing.
- (9) The legal drain consists of 1,320 lineal feet of storm sewer pipe from 12" to 24", 1,090 lineal feet of emergency routing swale, 1,370 lineal feet of rear yard swale and a 33,600 square feet detention basin under maintenance.
- (10) The drainage system drains 13.52 acres.
- (11) Soil types involved are varied.
- (12) The present condition of the drain is in need of maintenance.
- (13) The drain needs the following maintenance at present: clearing and cleaning of the Detention Basin.
- (14) Estimated annual cost of maintenance is \$40,560.00 over an 8 year period.
- (15) Estimated annual benefits from annual maintenance exceed the cost thereof.
- (16) The drain should be established as a legal drain and maintained.
- (17) A maintenance fund for annual maintenance should be established.
- (18) In order to provide the necessary maintenance fund, the annual assessment per lot benefitted should be: \$130.00 per lot and minimum over an 8 year collection period.
- (19) The assessment list filed herewith should not be amended.
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- (20) The Schedule of Damages and Assessments for periodic maintenance are fair and equitable and should be adopted.
- (21) The first assessments for periodic maintenance should be collected with the May 10, 2015 taxes.

NOW, THEREFORE, IT IS ORDERED THAT:

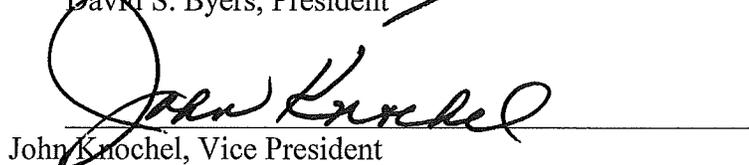
1. The Shepherds Point Part Two Regulated Drain be established as more fully set forth on Exhibit 1, attached hereto and by reference made a part hereof.
2. The Maintenance Report filed by the Surveyor is adopted.
3. The Schedule of Damages and Assessments for Maintenance filed herein is adopted.
4. The annual maintenance fund is established and an annual assessment therefor is established in the amount of \$130.00 per lot and minimum benefitted.
5. The first annual maintenance assessment shall be collected with the May 10, 2015 taxes.

DATED at Lafayette, Indiana this 3rd day of September 2014.

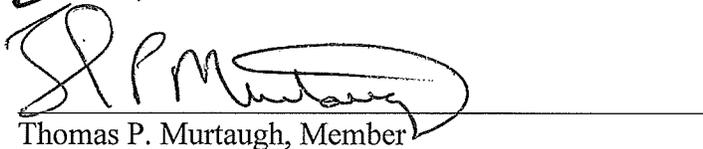
TIPPECANOE COUNTY DRAINAGE BOARD:



David S. Byers, President

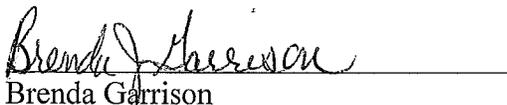


John Knochel, Vice President



Thomas P. Murtaugh, Member

ATTEST:



Brenda Garrison

Tippecanoe County Drainage Board Secretary

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